Minutes

Board of Commissioners
February 12, 2009
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, February 12, 2009, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Jack Smith, Chairman Herb Frady, Vice-Chairman Lee Hearn Robert Horgan Eric Maxwell
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk

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Chairman Smith called the meeting to order.
Commissioner Hearn offered the Invocation.
Pledge of Allegiance.

Chairman Smith requested to move item C listed under New Business to the first item to be discussed immediately following the Consent Agenda.

ACCEPTANCE OF AGENDA: Commissioner Frady made a motion to accept the agenda as presented with the requested change for the location of item C on the agenda. Commissioner Horgan seconded the motion. The motion carried 5-0.

PUBLIC COMMENT:
There was none.

CONSENT AGENDA: Commissioner Horgan made a motion to approve the consent agenda items 1-5 as presented. Commissioner Frady seconded the motion. The motion carried 5-0.

SHERIFF'S DEPARTMENT:

1. Approval of Sheriff's Department request to amend the Overtime Budget for the Criminal Investigation Division by $5,530.13 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT

2. Approval of request from the Sheriff's Department Criminal Investigations Division to allow disposition of a trailer that is of no further use to the Department. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

WATER COMMITTEE 2009 MEETING SCHEDULE:

3. Approval of the Fayette County Water Committee's 2009 meeting schedule. A copy of the schedule, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

BID #680 AWARDED TO UNIFIRST CORPORATION AND RIVERSIDE UNIFORM RENTAL:

4. Approval of staff's recommendation that Bid #680 for Uniform Rental and Purchase be awarded to UniFirst Corporation and Riverside Uniform Rental. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

MINUTES:

5. Approval of minutes for the Special Called Board of Commissioners' meeting held on January 14, 2009 and Board of Commissioners' meeting held on January 22, 2009.

NEW BUSINESS:

C. PATRICIA PRYOR OF CHERRY, BEKAERT AND HOLLAND, LLP, WILL PRESENT THE RESULTS OF THE COUNTY'S FISCAL YEAR 2008 AUDIT:

Senior Manager Patricia Pryor of Cherry, Bekaert and Holland, LLP presented the results of the County's fiscal year 2008 audit. A copy of her presentation, identified as "Attachment No. 5", follows these minutes and is made an official part hereof. She remarked that the financial statements that were being presented to the Board tonight by the Finance Department were accurate and reliable. She said the Firm of Cherry, Bekaert and Holland's role was to audit the financial statements that management had prepared and determine as to whether or not they were in accordance with generally accepted accounting principles. She said the Firm had no significant audit adjustments for the fiscal 2008 audit. She said in fiscal year 2008 they had to adopt the new risk base audit standards and those standards required them to take an intensive look at interim controls and not just from a manual standpoint but also from the County's IT systems. She remarked that process took them approximately two weeks to complete and was very intensive. She pointed out that the County came through that process with flying colors and the audit went very well. She thanked the Finance Department staff for being so diligent and helping them get through the process because it was very different and very intense this year.

Chairman Smith asked Ms. Pryor if, on a financial basis, Fayette County was considered average, healthy, very healthy, extremely healthy or in direr need of help and Ms. Pryor replied that Fayette County was a little more than healthy.

Chairman Smith thanked Ms. Pryor for her presentation and commended Chief Financial Officer Mary Holland and Assistant Finance Director Toni Jo Howard for all of their diligent and hard work in compiling this report.

OLD BUSINESS:

A. CONSIDERATION OF STAFF'S RECOMMENDATION TO AWARD BID FOR THE E911 COMMUNICATIONS BUILDING EXPANSION CONSTRUCTION PROJECT TO WHITWORTH CONSTRUCTION COMPANY, INC. WITH A BASE BID IN THE AMOUNT OF $611,037:

Director of Communications Cheryl Rogers asked for the Board's consideration to award the low bid for this project. She said this was a CIP project that began in 2008 and the budget amount of $772,387 and the project had come in under that amount. She said these funds were 911 funds money and could not be spent for anything other than 911 projects. She said staff had worked for approximately nine months with Mallett Consulting and the architects for this project. She remarked that the bid had gone out for the project on November 19, 2008 and the bid opening was held at the Water System on December 18, 2008. She pointed out that Mallett Consulting had researched the company and their references and both Mallett Consulting and staff recommend accepting the low bid from Whitworth Construction Company, Inc. in the amount of $611,037.

Commissioner Hearn asked Ms. Rogers to explain exactly what was included in the expansion and Ms. Rogers responded that the expansion included desperately needed administrative space as well as radio room space.

Commissioner Horgan made a motion to award the bid for the E911 communications building expansion construction project to Whitworth Construction Company, inc. in the amount of $611,037. Commissioner Hearn seconded the motion, discussion followed.

Chairman Smith interjected that 911 was originally handled separately by each municipality in the County. He said several years ago the cities and the County reached an agreement that formed one 911 service center that would be jointly funded. He said it was also funded primarily through revenue derived from a charge on phone service. He felt it was important to explain in these economic times that this was a project that was funded with specific money that could not be used for anything else. He said by delaying or abandoning this project would do two things: (1) it would not benefit the County as a whole because the money could not be used for anything else; and (2) it would also jeopardize the response time.

The motion carried 5-0. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

B. DISCUSSION OF STAFF'S REQUEST THAT THE BOARD OF COMMISSIONERS CONSIDER ISSUING A REQUEST FOR PROPOSALS FOR A FEASIBILITY STUDY FOR IMPLEMENTATION OF A STORMWATER UTILITY. REPRESENTATIVES FROM OTHER OPERATING UTILITIES WILL PRESENT INFORMATION TO THE BOARD AS REQUESTED AT THE COMMISSIONERS' RECENT ANNUAL PLANNING MEETING:

Developmental Engineer Bryan Keller of the Engineering Department introduced the Director of Henry County Stormwater Management Erik Lombard, P.E., Division Director over building and development services for Henry County Jim Luebbering, P.E. and also the Director of Public Works and Utilities for the City of Griffin, Dr. Brant Keller who discussed the pros and cons of the implementation of a stormwater utility in Fayette County. He presented a memorandum to the Board outlining the current Extent of Service (EOS) and the Level of Service (LOS) as well as the proposed EOS and LOS.

Commissioner Hearn asked Mr. Lombard to describe the work that he performs for the Henry County Stormwater Utility. Mr. Lombard responded that the Henry County Stormwater Department was somewhat unique in that they work on facilities that were not located in the right-of-way. He said Henry County's Department of Transportation handled all

drainage and structure issues located in the right-of-way and his department handled all of the maintenance from the right-of-way to the State water buffer.

Dr. Brant Keller interjected that he had two dedicated crews consisting of nine people for 13.9 square miles. He said the only thing that they did not maintain was private commercial operations and industrial operations. He said the City of Griffin was pretty intense and this was his 145th conversation in the State of Georgia on stormwater utilities. He said he was passionate about this issue and commented that he had lived in Fayette County for 20 years. He felt the residents of Fayette County deserved some type of stormwater management program and the County could start at one level and progress as it grows and how the revenues come in. He pointed out that since 2002 his operating budget in stormwater and wastewater had gone up $300,000 every year. He said Fayette County was located in the metro area and this County would feel more pressure very shortly as the water plans develop. He said the City of Griffin spends an average of $910,000 in additional mandates in stormwater and wastewater. He said this Board could define where it wanted to be today and then in the future define where Fayette County would be in five years from now.

Chairman Smith asked Dr. Keller how many of the 144 entities that he had spoken with established a stormwater utility and Dr. Keller replied that out of the people he had spoken to in the State of Georgia 19 had followed the protocol to establish utilities out of the 35 utilities in the State. Dr. Keller interjected that this was a political decision and he pointed out that people would pay their utility bill, telephone bill and a stormwater bill. He said he and his staff would be glad to meet with the Board and discuss the entire stormwater program.

Commissioner Hearn asked Jim Luebbering about the percentage of the work that his maintenance crews do on a weekly basis. Mr. Luebbering replied that one of the things that they handle concerned the existing flood control ponds that were built by the developers when the neighborhoods went in. He said they needed to be maintained and retrofitted and the crews spend a lot of time cutting trees off of fill embankments, pulling debris and trash out of ponds, and cleaning out the outlets and pulling all of the sediment out. He said his department works hand in hand with the Department of Transportation and his program was a pretty intensive equipment program. He said they had made the choice to proceed in purchasing excavators, dump trucks, small ditch witches and plenty of weed eaters in order to maintain all of the ponds either aesthetically or functionally. Mr. Luebbering remarked that there were absolute mandated requirements that require the setup of a funding mechanism to take care of this.

Chairman Smith asked Dr. Keller if a stormwater utility was the appropriate way to address this issue. Dr. Keller replied that advalorem taxes were not the way to go. Dr. Keller further stated that by setting up a stormwater utility it would be a user fee and a dedicated revenue stream that would address this in the future. He pointed out if the County was in the water and sewer business, it would go into bond debt one way or the other.

Chairman Smith asked if there were some counties who had allowed the cities to become part of one community wide utility. Dr. Keller replied that there were multiple ways to handle this to make it work and it would be a matter of how the subject matter was approached. He cautioned the Board that if a stormwater utility was formed there would have to be a consulting engineer. He said there would have to be a Request for Proposal including a specification for a consulting engineer. He said if a stormwater utility was formed, there would be legal challenges and it would have to be defendable in court. He urged the Board to not go into this venture by itself and he pointed out that he was not aware of any of these in the entire United States without a consulting engineer.

Commissioner Hearn asked Mr. Lombard what kind of backlog he had in terms of current identified projects. Mr. Lombard responded that they schedule out every quarter and just completed scheduling through the end of the summer. He said there were several hundred service requests for maintenance on drainage areas outside of the right-of-way that were on file and there was no end in sight.

Chairman Smith commented that Fayette County currently had certain requirements that had to be met now. He asked Dr. Keller if Fayette County established a utility to handle this, could it start out at the same level that was currently being provided until the County was mandated otherwise. Dr. Keller replied that this would open Fayette County up to an issue that might be challengeable in court. He said if Fayette County was going to create a utility and did no more than what was being done today out of an advalorem tax based budget and charge a user fee, it would not be defensible.

Chairman Smith asked Dr. Keller what resources Fayette County currently had as far as staff time, engineering and so forth would need to be dedicated in setting up this utility. Dr. Keller remarked that the County would need one person totally dedicated to focus, manage and to align things and he or she would have to be able to multi-task and keep everything going. He said that person would have to come before the Board at least once a month to provide updates and it would definitely take a full time person just for the stormwater utility portion.

Commissioner Maxwell felt Fayette County was behind the curve and needed to catch up where it needed to be. He said he was very interested in negotiating with Peachtree City, Tyrone and Fayetteville to see if there was any interest in doing a consolidated stormwater utility. He felt the Board need additional information before moving forward.

Chairman Smith asked the Board members if they would agree to authorize him to have discussions with the mayors of the various cities to see if there was any political ability to do a combination into one utility to capitalize on the strength of what they have already learned and see if there could be one system for the County as a whole.

Commissioner Horgan suggested that staff review the ordinances to determine if these might help with this as well and Developmental Engineer Bryan Keller remarked that he had already begun that review.

It was the consensus of the Board that Chairman Smith be authorized to have discussions with the mayors of the various cities in Fayette County to determine if there might be any political ability to have one combined stormwater utility system for Fayette County, and also that staff continue with their work in reviewing the County's ordinances that might help with this as well. A copy of the request and memorandum, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

NEW BUSINESS:

D. CONSIDERATION OF THE WATER COMMITTEE'S RECOMMENDATION TO AWARD SPECIFIED CONSTRUCTION MITIGATION SERVICES FOR THE LAKE MCINTOSH RESERVOIR PROJECT TO ECO-SOUTH, INC. FOR A COST OF $583,494:

Water System Director Tony Parrott briefly discussed this item. He remarked that it was the Water Committee's recommendation to award specified construction mitigation services for the Lake McIntosh Reservoir project to Eco-South, Inc. in the amount of $583,494. He noted that there would be three additional sites that would start work in the near future.

Commissioner Frady questioned the payment being due in 15 days and asked if that could go to 30 days and Mr. Parrott replied that he did not see any problem with that.

Chairman Smith asked for the Board's pleasure in this matter.

Commissioner Frady said he would like to make a motion to authorize the Chairman to sign the contract with Eco-South for the mitigation work that was presented with the exception of the 15 day payment. Commissioner Frady's motion did not receive a second. County Administrator Jack Krakeel recommended that the Board award the scope of work to Eco-

South with the caveat of a positive resolution to not only the issue of the interest charged with the time frame that Commissioner Frady referred to but there were several other items in the contract that were potentially troublesome. He said he would not recommend approving the contract but only to approve the scope of work and this would give the County Attorney time to review the contract and bring it back to the Board for signature at the February 26th Board meeting.

Chairman Smith asked for the Board's pleasure in awarding the scope of work.

Commissioner Maxwell made a motion to award the scope of work regarding the specified construction mitigation services for the Lake McIntosh Reservoir project to Eco-South, Inc. in the amount of $583,494, discussion followed. County Attorney Scott Bennett interjected that there were some terms in the contract that needed to be negotiated on the County's behalf. He said he would have this contract ready for the Board's consideration at the February 26th Board of Commissioners' meeting. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT:
There was none.

ATTORNEY'S REPORT:
There was none.

STAFF REPORTS:
There was none.

BOARD REPORTS:
CHAIRMAN SMITH: Chairman Smith remarked that former Sheriff Randall Johnson had been recognized by Governor Sonny Perdue and by the State Senate and the House of Representatives this morning at the Capitol for his 49 years of law enforcement service to the State of Georgia which included his 32 years as Sheriff of Fayette County. He said he would also like to commend the former Sheriff for his service.

EXECUTIVE SESSION:
There was none.

ADJOURNMENT: Commissioner Horgan made a motion to adjourn the meeting at 8:20 p.m. Commissioner Frady seconded the motion. The motion carried 5-0.

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Karen Morley, Chief Deputy Clerk Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 26th day of February, 2009.

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Karen Morley, Chief Deputy Clerk